

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

ARTURO MORALES,

Petitioner,

Civil Action No.
CV-05-2251 (DGT)

- against -

ORDER

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ MAY 12 2008 ★

JAMES WALSH, Superintendent, Sullivan
Correctional Facility,

Defendant.

x

BROOKLYN OFFICE

TRAGER, J.

On April 21, 2005, the petitioner Arturo Morales filed the above-captioned case seeking a writ of habeas corpus for alleged constitutional violations stemming from remarks made by the prosecutor on summation of his state court trial. Petitioner's claim was referred to United States Magistrate Judge Lois Bloom for a Report and Recommendation ("Report").

On August 27, 2007, Judge Bloom issued her Report recommending that the petition be denied and that any application for a certificate of appealability also be denied. On October 18, 2007, the petitioner filed objections pro se pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure.

The petitioner's pro se objections are simply rearguments of claims he made to the magistrate. Judge Bloom appropriately reviewed these claims and correctly found them without merit.

After an independent review of the record and the Report, it is hereby

ORDERED that the Report is adopted and petitioner's

application for writ of habeas corpus is denied. Further, a certificate of appealability shall not issue because petitioner has not demonstrated a substantial showing of a constitutional violation. See 28 U.S.C. § 2253(c) (2).

The Clerk of the Court is directed to enter judgment accordingly and close the case.

Dated: Brooklyn, New York
May 8, 2008 SO ORDERED:

s/David G. Trager

David G. Trager
United States District Judge